

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:05CV235-V**

**COMMERCIAL UNION INSURANCE  
COMPANY,**

**Plaintiff,**

**vs.**

**R-ANELL HOUSING GROUP, LLC,  
KIMBERLY CAREY MILLER, RAYMOND  
MILLER, GARY ALBERT MURRAY,  
BENNETT TRUCK TRANSPORT, LLC,  
and MANUFACTURED BUILDINGS  
INSURANCE COMPANY, LTD.,  
Defendants.**

**Memorandum & Opinion**

**THIS MATTER** is before the Court on Defendants Gary Albert Murray's and Bennett Truck Transport, L.L.C.'s Motion To Dismiss, filed August 29, 2005. (Documents #20, #21)

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Dennis Howell was designated to consider and recommend disposition in the aforesaid motion. In an opinion filed October 13, 2005, and with Plaintiff's consent, Magistrate Judge Howell recommended that Defendants' motion be granted. (M & R at 1, 3.) The time for filing objections has since passed, 28 U.S.C. §636(b)(1)(C), and no objections have been filed by either party in this matter.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982) (holding that only a careful review is required in considering

a memorandum and recommendation absent specific objections.) Accordingly, the Court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that the Defendants' Motion To Dismiss is hereby **GRANTED**. Accordingly, Defendants Gary Albert Murray and Bennett Truck Transport, LLC, are both **DISMISSED WITH PREJUDICE**.

**Signed: November 9, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge



